

MATERIALS

For

June 25, 2001

**JOINT MEETING ON
COMPREHENSIVE PLAN REFORM**

of the

**LEON COUNTY BOARD OF
COUNTY COMMISSIONERS**

and

TALLAHASSEE CITY COMMISSION

and

TALLAHASSEE-LEON COUNTY PLANNING COMMISSION

5:00 P.M., City Commission Chambers, City Hall
(Immediately preceding Cycle 2001-2 Comp Plan Amendments
Transmittal Hearing)



*Tallahassee-Leon County
Planning Department*

MEMORANDUM

To: Members of the City Commission, Board of County Commissioners, and
Tallahassee-Leon County Planning Commission
From: Val Hubbard, Chief of Comprehensive & Environmental Planning
Date: June 20, 2001
Subject: Comprehensive Plan Reform Workshop

The joint workshop on Comprehensive Plan Reform has been set for 5 p.m. Monday, June 25 in the City Commission Chambers, immediately preceding the 6 p.m. transmittal hearing. (The MPO meeting previously scheduled for June 25 will be rescheduled. The time, date and location will be confirmed in a separate memo.)

The purpose of the workshop is to obtain the concurrence of the City Commission and Board of County Commissioners on the process and priorities proposed by the Planning Commission for the Comprehensive Plan Reform initiative. This packet contains the following materials for the workshop:

1. Agenda
2. Memo from Planning Commission
3. List of Issue Areas
4. Review of Mixed Use Category
5. Review of Format and Usability Issues

If you have questions or concerns, please call me.

**JOINT WORKSHOP OF
THE LEON COUNTY BOARD OF COUNTY COMMISSIONERS,
TALLAHASSEE CITY COMMISSION
AND
TALLAHASSEE-LEON COUNTY PLANNING COMMISSION**

**JUNE 25, 2001, AT 5:00 P.M.
CITY COMMISSION CHAMBERS
SECOND FLOOR, CITY HALL**

- A. REVIEW AGENDA/AGENDA MODIFICATIONS (2 min.)
- B. INTRODUCTION AND PRESENTATION ON COMPREHENSIVE
PLAN REFORM INITIATIVE (18 min.)
 - Reggie Bouthillier, Chairman, Tallahassee-Leon County Planning
Commission
 - a. Review of Mixed Use and Format and Usability Issues
Valerie Hubbard, Chief of Comprehensive and
Environmental Planning
- C. QUESTIONS AND ANSWERS (10 min.)
- D. DISCUSSION (20 min.)
- E. VOTE BY BOARD OF COUNTY COMMISSIONERS AND CITY
COMMISSION (10 min.)
- F. ADJOURNMENT

"Please be advised that if a person decided to appeal any decision made by the Board of County Commissioners, City Commission or Planning Commission with respect to any matter considered at this meeting or hearing, such person will need a record of these proceedings, and for this purpose such person may need to ensure that a — verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based."



*Tallahassee-Leon County
Planning Department*

MEMORANDUM

To: Members of the City Commission and Board of County Commissioners
From: Tallahassee-Leon County Planning Commission
Date: June 20, 2001
Subject: Process and Priorities for Comprehensive Plan Reform

Background

At a retreat in October 2000, the Tallahassee-Leon County Planning Commission discussed projects for the upcoming year. One of the key priorities was to begin to address problems that have been encountered by the Planning Commission in working with the Comprehensive Plan and Land Development Regulations. It was agreed that not only is the Plan too specific and not very user-friendly, but that there are substantive issues with a number of the Plan's Future Land Use categories, most notably, the Mixed Use and Lake Protection categories. Several amendments were filed and subsequently denied in the 2001-1 amendment cycle, which highlighted certain problems with these two Future Land Use designations.

The Planning Commission established a committee to evaluate the issue of Comprehensive Plan Reform, and to recommend an approach. The first step was a broad assessment of recent problems and issues that have arisen through application of the Comprehensive Plan. Attachment #1 is the list of issues that were identified by staff and the committee. The Planning Commission Chair also met with the elected officials to receive their input on planning-related priorities. The committee then evaluated the full list of potential issues and prioritized them for action. The committee arrived at the following conclusions, which were discussed and ratified by the full Planning Commission on March 5, 2001:

1. It would not be necessary or advisable to overhaul the entire Comprehensive Plan. Rather, specific problems should be identified and addressed.
2. The Land Use Element is the key to the entire Plan, and is the most complex portion of the document.
3. The Mixed Use category is the most important aspect to address because:
 - a. It covers most of the areas within the USA, and is the category that accommodates most of the urban uses.

- b. Future Land Use Map amendments generally seek to change property from Residential Preservation to Mixed Use, and these amendments are often unsuccessful because of the breadth of uses allowed under the Mixed Use category.
 - c. The mechanism used to apply site-specific zoning to the Mixed Use category is the development pattern, but this concept has been flawed and ineffective in its application.
4. In approaching this issue, public participation is critical, but the most effective means for obtaining it in the early phases of the project will be through a diverse working group of stakeholders. Once the process has produced preliminary findings and recommendations, a broader based public process must occur.
 5. A "clean up" of the Plan to address clarity and usability cannot be delayed as substantive issues are addressed. Therefore, concurrent with the analysis of the substance of the Mixed Use category, staff should begin to address form and usability of the Plan.
 6. There are many important planning issues facing the community, and the Planning Commission's time and energy is precious. We must therefore focus on issues that are not only important from our perspective, but also have the support of the elected officials. It is therefore necessary to obtain concurrence on our direction before we proceed.

The attached position papers (Attachments #2 and #3) outline in a more detailed way the rationale for these priorities and the approach we intend to take in addressing them. The Planning Commission requests the concurrence of the Board of County Commissioners and City Commission in moving forward on these issues.

Attachments

Attachment #1: Issue Areas for Comprehensive Plan Reform

Attachment #2: Comp Plan Reform Initiative: Reassessment of the Mixed Use Land Use Category

Attachment #3: Comp Plan Reform Initiative: Review of Format and Usability

Issue Areas for Comprehensive Plan Reform

General/Intent

- Issue 1: What is the real function of the Plan, and its appropriate relationship to the Land Development Regulations?
- Issue 2: Narratives for the Future Land Use categories are weak and do not provide sufficient information on the intent or vision for the development within the category.
- Issue 3: Weak objectives may have led to an overabundance of policies as a compensating mechanism.

Future Land Use Map Categories

- Issue 4: Development patterns were intended to further define Mixed Use areas, but they are not mapped, are subject to change without a Plan amendment, and are not sufficiently defined nor distinctive enough to provide adequate direction.
- Issue 5: There are a large number of policies, some of which are unclear and internally inconsistent, that seek to regulate non-residential uses within the Mixed Use category. One solution is replacement of the Mixed Use category with more discrete and better defined Future Land Use categories that incorporate these policies.
- Issue 6: There is little difference between the various types of mixed use categories in the Plan, but the more narrowly defined types of categories that could sometimes be more appropriate don't exist. This issue was raised in the current (2001-1) cycle wherein a change to allow office uses potentially allows - industrial and commercial as well, and may therefore be less acceptable to nearby residents.
- Issue 7: Mixed use type categories might continue to be very useful, particularly in denser areas within the Central City. Sector planning could be used to further define the character of these areas, and to formulate appropriate standards for mixing of uses.
- Issue 8: The Lake Protection category needs to be revisited to analyze the effects of disparities between city and county implementation, as well as the ability to accommodate increased pressures for infill development without compromising lake water quality or the intended character of this part of the community.

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Usability and structure

- Issue 9: There should be an index or detailed table of contents for each element.
- Issue 10: All the requirements for Future Land Use categories need to be in the same place, rather than split between text and policies.
- Issue 11: Narrative intent language could be pulled together to form an executive summary and vision statement for the Plan.
- Issue 12: Policies need to be prioritized to assist in making appropriate determinations when policy language in different parts of Plan appears to be in conflict.
- Issue 13: Clean up of Comp Plan "Land Use Development Matrix"
- Issue 14: Clean up commercial location criteria

Additional Issues Raised by Planning Commission

- Issue 15: Definition of compatibility
- Issue 16: Evaluation of non-heir provision of Policy LU 2.1.9 for revision or deletion (deals with limited subdivision in Urban Fringe, Rural and Lake Talquin Recreation/Urban Fringe areas)

**Comp Plan Reform Initiative:
Review of the Mixed Use Land Use Category**

Background

The Mixed Use designation has been problematical since its inception. Prior to 1992, the zoning code contained zoning districts that described very specifically which uses were allowed on a piece of property, and they were generally limited to a particular type of use (e.g., single family residential, office or commercial). While this provided a great deal of certainty to the property owner, it did not allow much flexibility.

The Mixed Use concept was adopted into the Comprehensive Plan in 1990. The intent of Mixed Use A, B and C was to encourage a mix of uses. For example, it would allow shops to be located next to or within neighborhoods, or offices next to apartment buildings. It would allow mixed use developments on the same site. It was anticipated that this mixing of uses would promote shorter travel distances and less reliance on the automobile, as well as a greater sense of community. The intent was to create a more "walkable" community. In 1992, the City and County Commissions adopted new zoning codes to match and mirror the Mixed Use category in the Plan.

Under this regulatory framework, the type of uses allowed on a specific piece of property were limited by locational and performance criteria. This method of regulation still exists in the Plan for categories such as Lake Protection, Central Urban and University Transition. The problem that soon became apparent was the lack of predictability in this system. To know whether a particular piece of property can be used in a certain way, the owner must submit specific information about the property to the City or County Growth Management Department. After 5 to 7 days, the Department issues a determination on whether the particular use is allowable, contingent on final site plan.

Problems cited by the Planning Department in recommending a transition to "site-specific zoning" in 1996 include the following:

1. Owners could not be sure what they could do with their property without verification by the government. This uncertainty seemed to affect property values.
2. - Some people felt they needed to hire experts to determine potential use of their property.
3. Residents did not feel comfortable with what might happen at the edges of neighborhoods.
4. It took longer to get through the development review process, making development more expensive.
5. The zoning code did not ensure compatibility between residential and non-residential uses.

Based on these reasons, the Mixed Use zoning was replaced in 1996 by site-specific zoning, which functioned much like the old zoning. The Mixed Use Future Land Use category was retained on these properties, however, in order to make the transition to the

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new system less disruptive to the community. By retaining the Mixed Use category, property owners could obtain significant changes to the uses allowed on their property through a relatively simple zoning process, rather than having to make a change to the Plan.

The site-specific zoning did much to address the issue of predictability at the zoning level, but it did not provide the same type of protection as the Comprehensive Plan could afford. Neighborhoods that are protected by an Residential Preservation designation as well as Residential Preservation zoning tend to look with concern at a change to Mixed Use, which could eventually result in any number of zoning scenarios. While there are many examples in the Plan of an excess of specificity, this may be a case in which the Plan is not explicit enough. The Mixed Use category, as implemented by site-specific zoning, may not perform as well as it should in setting the policy framework for development in these areas.

There has been an attempt to deal with this issue through the use of the "development patterns." The development patterns are defined in the plan, and seek to describe the characteristics of a location in such a way as to help determine what site-specific zoning district should be applied to that site. Unfortunately, the development patterns have been problematical as well. There has been confusion over whether the patterns intend to describe the existing or future function of the site. In addition, the development patterns are defined in a rather general manner that would allow multiple development patterns to fit the characteristics of many sites. For this reason, even after a development pattern has been identified for an area, there is no assurance that that a different development pattern might not be applied at a later date. This problem has been compounded by the fact that the development patterns are not mapped, and therefore do not really limit the types of zoning that can be requested for a site. Hence, the Mixed Use category in effect continues to allow almost any type of zoning in many locations throughout the community, subject to the rezoning process.

While this situation has many benefits for the owner of the Mixed Use property in question, it may have some negative effects on surrounding properties, and on the ability of the community to achieve appropriate distribution of land uses. The open-ended quality of the Mixed Use category makes it threatening to adjacent Residential Preservation areas, and may force residential property owners to oppose a change to Mixed Use because of some of the more intense land uses it may allow.

Why prioritize this category? Because the original intent was to regulate use based on locational criteria, the Mixed Use category extends over much of the Urban Service Area. This means it is the category that is adjacent to most Residential Preservation areas, and the category most often applied to non-residential areas. At the same time, there are many residential areas within this future land use category, and these areas are not protected from conversion to non-residential uses by clear Comprehensive Plan policies. Because of its geographic extent, and its broad application to a variety of land uses, the problems inherent in the category are the most critical for early reform. Comprehensive

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planning in this community is not in good shape if the most prevalent land use category is suffering from major problems.

Recent problems. Over the course of the last several Comprehensive Plan amendment cycles, the Planning Commission has noted a number of issues with the Mixed Use category. These problems have both precipitated proposals to change the way the category functions, as well as making changes from other Future Land Use categories to Mixed Use extremely problematical. These issues are illustrated in the following examples of proposed amendments:

1. Thomasville Rd./Tallahassee Dr. This amendment was later revised, but originally requested a change to Mixed Use from Lake Protection. When staff sent out the notification letters to surrounding property owners, the letters noted the range of uses available under Mixed Use, which includes light industrial and commercial uses. This caused concern on the part of the applicant who had stated that the anticipated use was a bank. Staff explained that because there is no guarantee that the anticipated use will be the one eventually built, the notification letters had to include the broad range of uses allowed under Mixed Use.
2. The applicant for the bank at Tallahassee Dr. also submitted an application to amend the Residential Preservation category to, under certain conditions, allow office use in Residential Preservation along arterials. The applicant stated that the current manner of transitioning to non-residential uses in these areas creates conflict and is too difficult to achieve. Staff recommended denial based on the fact that this would have allowed office uses in some areas that might be inappropriate, subject only to rezoning, for which there is a different burden of proof standard applied. On the other hand, the availability of an office/residential land use category that could be applied through amendments to the Future Land Use map could be advantageous in addressing these issues.
3. Another amendment was proposed in the 2001-1 cycle that would have changed the designation of a residential lot at the corner of Dellview Drive and Bradford Road from Residential Preservation to Mixed Use. The Mixed Use category extends along the remainder of that segment of Bradford Road, and is implemented through the OR-1 zoning category. In denying this amendment, the Commissions asked staff to initiate a process to find alternatives for dealing with the neighborhood edges along busy collectors and arterials. This is also a topic that should be addressed through the review of the Mixed Use category. In this case, the Planning Commission noted its concern that the Mixed Use category was too broad to ensure protection of adjacent residential areas.

The following is a process that the Planning Commission could use to address these issues.

1. Specifically define the problems associated with Mixed Use and its land use development patterns. This would include an assessment of concerns expressed

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during recent Comprehensive Plan amendment cycles by the public, the Planning Commission and the elected officials. It would also include input from a diverse working group of stakeholders, and would create a process for full public participation. It is likely that additional concerns will be raised beyond those outlined above, which should be addressed as part of the process. In particular, the Mixed Use category should be evaluated with respect to several issues:

- a. Does the Mixed Use concept need revision to become more effective as a future land use category?
- b. What is the most effective means for achieving the original intent of the Mixed Use category, which is a fine-grained mix of uses, while ensuring compatibility between uses?
- c. What is the purpose of each development pattern in implementing the Mixed Use concept?
- d. Do the development patterns accomplish what they were intended to do?
- e. Are the descriptions and criteria for the development patterns adequate to provide predictability as to where they should be located?
- f. What problems exist in implementing the Mixed Use category through the Land Development Regulations?
- g. Are new Future Land Use categories needed to address some of these issues?
- h. How can the framework be amended to address the "neighborhood edge" issue cited by the City and County Commissions?

2. Develop data and analysis (including maps) of identified problems.

3. Identify a range of potential solutions.

- a. Retain Mixed Use as a future land use category and better define the written descriptions of the development patterns to add predictability. Development patterns would not be mapped. This is a refinement of the current practice and would require text amendments to the Comprehensive Plan.
- b. Retain Mixed Use as a future land use category and adopt the development patterns on a separate map or as an overlay to Mixed Use on the Future Land Use Map. This is somewhat of a hybrid solution and would require both text and map amendments to the Comprehensive Plan.
- c. Create future land use categories out of the development patterns. These categories could replace the Mixed Use categories immediately through revisions to the Future Land Use Map or could be adopted incrementally, as properties come in for Future Land Use Map amendments. This potential solution assumes that Mixed Use will no longer exist as a future land use category. This solution would require both text and map amendments to the Comprehensive Plan.
- d. Implement "c" above, but retain the Mixed Use categories in some form for use in areas where the advantages of a finer-grained mix of uses, possibly with enhanced design standards, outweighs the need for greater predictability of use. This solution would require both text and map amendments to the Comprehensive Plan.

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e. A combination of these (and other) approaches could also be considered.

4. Provide a report to the City and County Commissions detailing identified problems and recommended solutions. Ask Commissions to direct the initiation of necessary Plan amendments to address issues and implement solutions.

Schedule for Completion

Addressing the issues outlined above is likely to be a somewhat lengthy process, in part due to the need to obtain public input at various points. Nevertheless, it should result in a substantial improvement to the future land use category that has the greatest potential to affect planning and land use throughout the community. The anticipated schedule is as follows:

June-July	Confirmation of priority and process by Planning Commission and City and County Commissions
Aug.	Further problem definition
Sept. - Oct.	Assemble data and analysis for identified problems
Nov. - Dec.	Identify potential solutions
Jan. - Feb. 2002	Evaluate solutions & select alternative
Mar. - April	Formulate more detailed recommendations for Comprehensive Plan revisions
May	Hold workshops with City and County Commissions to discuss findings. Ask Commissions to direct the initiation of necessary amendments during next cycle of amendments (July 2002).

**Comp Plan Reform Initiative:
Review of Format and Usability****Background**

In their December 2000 retreat, the Planning Commission set Comprehensive Plan reform as a major priority for the upcoming year. The Planning Commission has chosen the Future Land Use Element, and in particular, the Mixed Use category as a priority for early study. The Planning Commission recognized that there are many such "substance" issues to address in the Plan, and a "clean up" of the Plan to improve clarity and usability cannot be delayed until substantive issues have been resolved. Therefore, concurrent with the analysis of the substance of the Mixed Use category, the Planning Commission is requesting that staff begin to address form and usability of the entire Plan.

There is no doubt that the Plan as currently drafted can be confusing and difficult to use. It is necessary to look in more than one place for information on a Future Land Use category, and there are inconsistencies, outdated policies, illegible maps, and all the other problems that come from amending a document hundreds of times over the course of a decade. The problems that have been identified over time can be used to initiate a "clean up" which should make the Plan easier to use without changing its substance.

Proposal for Addressing Form and Usability Issues

Examples of potential changes include:

- Provide an index or detailed table of contents for each element
- Make maps more readable
- Place all requirements for Future Land Use categories in one place, rather than splitting between text, matrix and policies. This has led to some inconsistencies in requirements, as well as confusion on the part of the user.
- Pull together narrative intent language to form an executive summary/vision statement for Plan
- Identify obsolete policies for possible deletion
- Reformat policies in the Future Land Use Element to match rest of the Plan (this is the only element currently using the two-column format).
- Rearranging the Mixed Use policies to make them more usable.
- Identify inconsistencies and propose resolution

Staff from the Growth Management Departments at the City and County, as well as Planning Department staff, are the heaviest users of the Plan, and can readily identify a number of reformatting and "clean up" issues. Additional input will be accepted from the public, elected and appointed officials, and other staff who may use the Plan. Because this effort will address form rather than substance, staff's work will proceed largely independent of Planning Commission review up to the point when staff has identified recommendations for changes. The Planning Commission should, however, be apprised of progress on at least a monthly basis. As work proceeds, items that may require policy decisions will be catalogued and brought to the Planning Commission for direction.

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Ultimately, the City and County Commissions will see all changes through the Plan amendment process.

Schedule for Completion

The process for addressing these usability issues would proceed concurrently with work on the Mixed Use category, beginning in July 2001 following ratification of the process and priorities by the City and County Commissions. It is anticipated that the usability issues may proceed more quickly, as they will not attempt to address policy and substance. It is therefore possible that some amendments may be ready for submittal by the cycle that begins in January 2002.